



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Labor and Industries

- Preproposal Statement of Inquiry was filed as WSR 04-07-155 ; or
- Expedited Rule Making--Proposed notice was filed as WSR _____; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR _____

Title of rule and other identifying information:

The department is proposing to rewrite and clarify requirements relating to benzene. The department is amending the rule in chapter 296-62 WAC to only apply to agriculture and proposing benzene as a new chapter for all other industries, chapter 296-849 WAC. This rulemaking is part of our goal to rewrite all of WISHA's general occupational safety and health rules for clarity. The department is eliminating unnecessary requirements and outdated terminology. References will also be updated throughout other WISHA rules.

See Attachment A

Hearing location(s):

Department of Labor and Industries
Auditorium
7273 Linderson Way SW
Tumwater, WA 98501

Date: August 24, 2004 Time: 1:30 p.m.

Submit written comments to:

Name: Jamie Scibelli
Address: P.O Box 44620
Olympia, WA 98504-4620
e-mail Scij235@lni.wa.gov
fax (360) 902-5529 by August 31, 2004

Assistance for persons with disabilities: Contact

Sally Elliott by August 17, 2004
yous235@lni.wa.gov or (360) 902-5484

Date of intended adoption: November 16, 2004

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The purpose of this rulemaking is to make this rule easy to read, understand and more usable for employers. This proposal will place all benzene requirements (WAC 296-62-07523) into one chapter (chapter 296-849 WAC, Benzene). There are no anticipated effects. See Attachment A.

Reasons supporting proposal: See Attachment A

Statutory authority for adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060

Statute being implemented: Chapter 49.17 RCW

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

CODE REVISER USE ONLY

WSR#04-15-106

DATE
July 20, 2004

NAME (type or print)
Paul Trause

SIGNATURE

TITLE
Director

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: (person or organization) Department of Labor & Industries

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Tracy Spencer	Tumwater	(360) 902-5530
Implementation.... Michael Silverstein	Tumwater	(360) 902-5495
Enforcement..... Michael Silverstein	Tumwater	(360) 902-5495

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

This rule does not impose more than a minor cost on business. Therefore, as stated in RCW 19.85.030 (1)(a), a small business economic impact statement is not required. An analysis of the rule reveals that in addition to not imposing new costs on businesses, these revisions will make WISHA rules easier for employers and employees to understand and use, and thus save them time.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No: Please explain:

There are no costs to assess within these rule amendments. The amendments would require employers to provide notification of exposure evaluation results to employees within 5 days. Currently employers are required to provide this information within 15 days. This amendment will require employers to provide data that they already have to employees quicker and will not require additional costs.

The purpose of this rulemaking is to make this rule easy to read, understand and more usable for employers. This proposal will place all benzene requirements (WAC 296-62-07523) into one chapter (chapter 296-849 WAC, Benzene). This rulemaking is part of an initiative by the department to revise all safety and health rules.

AMENDED SECTIONS:

WAC 296-62-07523, Benzene

The requirements from this section are being moved to chapter 296-849 WAC, Benzene. A note will be added to clarify that the requirements in this section apply only to agriculture.

NEW SECTIONS:

WAC 296-849-100, Scope

WAC 296-849-110, Basic rules

WAC 296-849-11010, Use preventive practices

WAC 296-849-11020, Establish exposure control areas

WAC 296-849-11030, Conduct employee exposure evaluations

WAC 296-849-11040, Provide and use personal protective equipment (PPE)

WAC 296-849-11050, Train employees

WAC 296-849-11065, Follow rules for observing exposure measurement

WAC 296-849-11070, Notify employees

WAC 296-849-11090, Establish employee exposure records

WAC 296-849-120, Exposure and medical monitoring

WAC 296-849-12010, Conduct periodic employee exposure evaluations

WAC 296-849-12030, Make medical evaluations available

WAC 296-849-12050, Remove employees from benzene exposures

WAC 296-849-12080, Maintain employee medical records

WAC 296-849-130, Rules for exposure control areas

WAC 296-849-13005, Establish an exposure control plan

WAC 296-849-13020, Control employee exposures

WAC 296-849-13045, Provide and use respirators

